

Italy's media environment remained relatively open and vibrant in 2014. Parliament moved forward with the approval process for legislation that would abolish imprisonment as a penalty for defamation, and several open-data initiatives were implemented by both state institutions and civil society to enhance public access to information. However, the country's media still faced a number of challenges, including the continued status of defamation as a criminal offense, political influence at the public broadcaster, and highly concentrated ownership among private outlets.

Legal Environment

Freedoms of expression and the press are constitutionally guaranteed and generally respected. Italy has signed and ratified relevant international treaties establishing the right to freedom of opinion and expression.

Defamation is a criminal offense, punishable under Article 595 of the penal code by a fine of between €516 (\$690) and €20,000 (\$27,000) or six months to three years in prison. In addition to criminal charges, an alleged victim of defamation can pursue civil litigation, though preliminary mediation is mandatory and the disputes are submitted to court only when the parties do not come to an agreement. Civil cases can last as long as five to seven years, and the defendant in a pending suit must report the amount of damages sought by the plaintiff as a liability. Even if journalists are acquitted of the crime of defamation, they cannot seek compensation for their legal costs. Since 2013, the Italian journalists' association, Ordine dei Giornalisti (ODG), has offered members the opportunity to purchase liability insurance at favorable rates.

Unlike in the previous year, no journalists received prison sentences for defamation in 2014, and court decisions made it clear that imprisonment should be limited to exceptional circumstances. Nevertheless, defamation suits continued to hamper media freedom. According to figures released by Ossigeno per l'Informazione, a local press freedom watchdog, 159 journalists were targeted with spurious legal actions in 2014. These cases can be effective in suppressing information. In January, the former chairman of Telecom Italia threatened to sue the author and publisher of a book, *Goodbye Telecom*, that criticized his management of the company. He sought €10 million (\$13 million) in damages. In May, the author and publisher withdrew the book from the market to avoid a costly legal battle.

In October, the Senate passed a new defamation bill that had received initial approval from the Chamber of Deputies, Parliament's lower house, in 2013. The bill was submitted for a second—likely final—review by the Chamber of Deputies at the end of 2014. The legislation would abolish prison sentences for defamation and allow journalists to secure compensation for failed or frivolous lawsuits. Despite these substantial improvements, the proposed bill also extended defamation penalties to online newspapers and blogs, failed to decriminalize the offense, and imposed significant fines, among other problematic provisions. According to the draft legislation, defamation committed through the media can draw fines of up to €50,000 (\$67,000) if the statements are not proven to be truthful.

The right to access information is not included in the constitution, and Italy does not have a freedom of information law, relying instead on a patchwork of provisions scattered across different statutes. In February 2014, new prime minister Matteo Renzi stated his intention to adopt a freedom of information act. Under an existing measure, Legislative Decree 33/2013 on public access to information, both national and local agencies created sections on their websites providing data on personnel, contracts, budgets, and performance reviews. In April 2014, the government approved the declassification of secret documents

relating to terrorist attacks from the 1960s to the 1980s. This decision significantly sped up a release process that otherwise could have taken up to 40 years. Moreover, in December the government launched a new portal, Soldipubblici.gov, containing detailed information on public spending.

A variety of civil society organizations also make significant contributions to open-data initiatives. Such organizations are regularly consulted by public authorities and sometimes cooperate in the implementation of specific projects. Beginning in July 2014, over 30 civil society groups conducted a public campaign, FOIA4Italy, to call for the adoption of a freedom of information act. By the end of 2014, the initiative had completed the drafting of framework legislation to be presented to public institutions in early 2015.

AGCOM is the main regulatory body for broadcasting and telecommunications in Italy, tasked with ensuring fair and equitable conditions of competition for private media outlets. According to the law, AGCOM is an independent agency that is accountable to Parliament. However, the selection procedure for the board seriously undermines its autonomy from the influence of the executive and legislative branches. The board president is appointed by the president of the republic upon the advice of the prime minister, in agreement with the minister for economic development; two of the four members are elected by the Senate, and the remaining two by the Chamber of Deputies. The current board was elected in 2012 for a nonrenewable seven-year mandate. On several occasions, both the international community and domestic civil society groups have called for a transparent, merit-based process for selecting AGCOM members, as opposed to the existing system of political appointments based on party affiliation.

Journalists do not need a license to practice in general, but they do need a license to work as full-time professionals with one of the major media outlets. Obtaining a license from ODG is a lengthy procedure in which applicants must pass a professional qualification test, which generally costs about €400 (\$530), after serving as an intern for at least 18 months.

Political Environment

The degree of political influence on the media system is a serious challenge in Italy. Major concerns include the lack of a proper law regulating conflicts of interest and questionable procedures for the appointment of board members of RAI, the public broadcaster.

In November 2013, former prime minister Silvio Berlusconi was expelled from Parliament as a result of his conviction on tax fraud charges related to his media conglomerate, Mediaset Group. The expulsion effectively brought an end to his conflict of interest as both a high-ranking public official and the owner of Italy's largest media company. However, there are no explicit rules in place to prevent a similar situation in the future.

Political interference in the management of RAI has also undermined media freedom in Italy. Since Berlusconi resigned as prime minister in November 2011, political pressure on the broadcaster has diminished, but it is far from absent. According to the Gasparri Law, the minister of economy and finance appoints two board members and also selects which of the two will be the president of the board. The remaining seven members are nominated by a special Parliamentary Commission for General Guidance and Supervision of the Broadcasting Services, whose membership reflects the balance of power among political parties in Parliament. In practice, the nominations themselves have matched this political balance. Meaningful reforms of the appointment procedure had yet to be adopted at the end of 2014.

Censorship of media content is generally not a concern. Although the internet is largely unrestricted, websites are increasingly blocked for selling counterfeit goods, illegal video streaming, unlicensed

gambling, or child pornography. According to Osservatorio Censura, an internet censorship watchdog, the number of websites blocked rose from 345 at the end of 2013 to 716 at the end of 2014. In March 2014, new AGCOM regulations on the protection of copyright against digital piracy entered into force. As of the end of 2014, AGCOM had processed 101 out of 152 copyright infringement claims submitted; in 56 cases the alleged violating parties complied with removal requests, while in 30 cases AGCOM ordered internet service providers (ISPs) to restrict access to the infringing materials or the entire website depending on the extent of the copyright violation. Critics of the regulations, including both consumers and ISPs, objected to AGCOM's extension of its own powers without parliamentary approval, and questioned its authority to order ISPs to remove online content or block websites without prior judicial consent. In response, AGCOM stated that the procedure was an alternative to, not a substitute for, judicial processes and would be suspended in the event of an appeal to a court by either party. The main advantage of the notice-and-takedown procedure handled by AGCOM is its ability to address large-scale piracy quickly through time-restricted enforcement mechanisms.

Journalists occasionally face intimidation and attacks from organized crime networks and other political or social groups. According to Ossigeno per l'Informazione, 139 journalists received verbal or written threats, 47 were physically attacked, and 22 had their equipment damaged in 2014. None of these incidents resulted in fatalities or critical injuries. Police have consistently provided effective protection to a number of threatened journalists and also act to prevent imminent attacks through investigations and wiretaps. Several reporters live under police protection due to their work on organized crime, including Lirio Abbate, who has been a target of numerous attacks by the Sicilian Mafia; Roberto Saviano and Rosaria Capacchione, who wrote about the Neapolitan Camorra; and Giovanni Tizian, whose life is threatened by Calabria's crime network, the 'Ndrangheta. Michele Albanese, a reporter for *Quotidiano del Sud*, was placed under police protection in July 2014, when authorities discovered that individuals linked to the 'Ndrangheta were planning to kill him. In recent years he had already received several threats and suffered a break-in at his home.

Economic Environment

The Italian media landscape is rich and complex. Television is the most popular source of information, followed by newspapers and then the internet. Radio is mainly considered a source of entertainment rather than news and information.

As a result of the transition from terrestrial to digital television, content pluralism has been enhanced through the creation of new thematic channels. Currently, there are 88 national free-to-air channels and 37 pay channels. The print sector features about 140 daily newspapers, both national and local. Italian news agencies, which provide the majority of information content to the media, have always been free from the government's influence. Ansa, the oldest news agency, is a cooperative company exclusively composed of newspaper publishers, while the others are private corporations. In recent years, both large and small publishers have developed new business policies and commercial services in order to offer content online. Recent data show a significant growth in the use of smartphones, tablets, and computers for news consumption. Italy's internet penetration rate was nearly 62 percent of the population in 2014.

Italy suffers from an unusually high concentration of media ownership. In 2004, the Gasparri Law reformed antitrust rules, establishing that no broadcaster should control more than 20 percent of television and radio stations or more than 20 percent of the total revenues from the entire media industry. The second threshold actually reduced previous antitrust restrictions. As a result, the Gasparri Law exacerbated the dominance of the leading companies—the opposite of its declared intention. At the end of 2012, a provision of the law

that banned the joint ownership of broadcast and print media was removed. Several international bodies have repeatedly pressed their concerns about the Gasparri Law and the negative effects of ownership concentration.

Berlusconi's departure as prime minister in late 2011, and his expulsion from Parliament in 2013, helped to reduce concentration in de facto terms by ending his political influence over RAI. However, he remains the main shareholder of Mediaset, which owns several television channels; the country's largest magazine publisher, Mondadori; and Publitalia, Italy's largest advertising company. In addition, one of the country's major daily newspapers, *Il Giornale*, is owned by Berlusconi's brother.

According to AGCOM's 2014 report on 2013 data, over 90 percent of total revenues in the television sector are held by only three operators: Sky Italia (32.5 percent), RAI (28.9 percent), and Mediaset (28.4 percent). Sky Italia is a digital satellite television platform owned by the American corporation 21st Century Fox. The publishing sector is more fragmented, featuring a few large publishing groups and numerous smaller owners, especially in the sphere of local daily newspapers and specialist magazines. However, two of the main publishing groups have a significant share of the market: Gruppo L'Espresso (21.5 percent) and RCS Mediagroup (17.7 percent). The press continued to show a decline in total revenues, with falling advertising and sales. Public subsidies for print media outlets, including approximately €78 million (\$104 million) for dailies, remained stable.

Working conditions for journalists have become difficult in recent years; those with a full-time contract constitute less than 20 percent of the workforce, and there is a significant pay gap between salaried and freelance journalists. In June 2014, the journalists' trade union, Federazione Nazionale Stampa Italiana, renewed a collective agreement with publishers. For the first time, online and freelance journalists were covered in the agreement, but the minimum standards on their pay conditions remained low compared with cost-of-living indicators.